

HOUSE BILL 1190

J2, J1, E4

0lr2506

By: **Delegate Bromwell**

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations Boards – Discipline of Health Care Providers – Failure to**
3 **Comply with Governor’s Order**

4 FOR the purpose of authorizing certain health occupations boards to take certain
5 actions against certain health care providers under certain circumstances and
6 subject to certain hearing provisions; prohibiting certain health care providers
7 from knowingly and willfully failing to comply with certain provisions of law;
8 subjecting certain health care providers to certain discipline under certain
9 circumstances; and generally relating to the discipline of health care providers
10 for the failure to comply with the Governor’s order relating to catastrophic
11 health emergencies.

12 BY adding to
13 Article – Health Occupations
14 Section 1–214
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Public Safety
19 Section 14–3A–03(c)
20 Annotated Code of Maryland
21 (2003 Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Safety
24 Section 14–3A–08
25 Annotated Code of Maryland
26 (2003 Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 **1–214.**

5 (A) IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS A PERSON
6 WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A
7 HEALTH OCCUPATION UNDER THIS ARTICLE.

8 (B) SUBJECT TO THE HEARING PROVISIONS THAT GOVERN THE
9 DISCIPLINE OF A HEALTH CARE PROVIDER BY EACH RESPECTIVE HEALTH
10 OCCUPATION BOARD, A HEALTH OCCUPATION BOARD MAY REPRIMAND, PLACE
11 ON PROBATION, OR SUSPEND OR REVOKE A LICENSE OR CERTIFICATE OF ANY
12 HEALTH CARE PROVIDER UNDER THE BOARD’S JURISDICTION WHO FAILS TO
13 COMPLY WITH § 14–3A–03(C) OF THE PUBLIC SAFETY ARTICLE.

14 **Article – Public Safety**

15 14–3A–03.

16 (c) The Governor may order any health care provider, who does not
17 voluntarily participate, to participate in disease surveillance, treatment, and
18 suppression efforts or otherwise comply with the directives of the Secretary or other
19 designated official.

20 14–3A–08.

21 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
22 SECTION, A person may not knowingly and willfully fail to comply with an order,
23 requirement, or directive issued under this subtitle.

24 [(b)] (2) A person who violates [subsection (a) of this section] PARAGRAPH
25 (1) OF THIS SUBSECTION is guilty of a misdemeanor and on conviction is subject to
26 imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

27 (B) (1) A HEALTH CARE PROVIDER LICENSED, CERTIFIED, OR
28 OTHERWISE AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THE
29 HEALTH OCCUPATIONS ARTICLE MAY NOT KNOWINGLY AND WILLFULLY FAIL
30 TO COMPLY WITH § 14–3A–03(C) OF THIS SUBTITLE.

31 (2) A HEALTH CARE PROVIDER WHO FAILS TO COMPLY WITH
32 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO DISCIPLINE
33 UNDER § 1–214 OF THE HEALTH OCCUPATIONS ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.